

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALEXANDER STYLLER, INTEGRATED COMMUNICATIONS & TECHNOLOGIES, INC., JADE CHENG, JASON YUYI, CATHY YU, CAROLINE MARAFAO CHENG, PUSHUN CHENG, CHANGZHEN NI, JUNFANG YU, MEIXIANG CHENG, FANGSHOU YU, and CHANGHUA NI,)
)
Plaintiffs,) Civil Action No. 1:16-CV-10386 (LTS)
v.)
)
)
HEWLETT-PACKARD FINANCIAL SERVICES COMPANY, HEWLETT-PACKARD FINANCIAL SERVICES (INDIA) PRIVATE LIMITED, HP INC., HEWLETT PACKARD ENTERPRISE COMPANY, and DAVID GILL,)
)
Defendants.)
)

PLAINTIFFS' RESPONSE TO THE ORDER TO SHOW CAUSE

Plaintiffs, through their undersigned counsel, respectfully submit their response to the Court's order to show cause (the "OTSC") entered on September 16, 2019 (ECF 236).

The OTSC requires Plaintiffs to "show cause why the Court should not require Plaintiffs' *ex parte* disclosure to the Court for *in camera* review of: (1) the identity of any third-party financing for conflict evaluation under 28 U.S.C. § 455; (2) a copy of the financing agreement(s) so the Court can review the nature and scope of any such financing to evaluate whether it bears on the arguments Plaintiffs make regarding their purported difficulty in bearing discovery burdens; and (3) evidence that all the Plaintiffs are aware of the existence and the terms of any third-party financing Plaintiffs' counsel may have secured. In addition, Plaintiffs shall show cause why the Court should not require the *ex parte* disclosures required by Judge Polster in In re

Nat'l Prescription Opiate Litigation, No. 1:17-MD-2804, 2018 WL 2127807, at *1 (N.D. Ohio May 7, 2018).¹

Plaintiffs do not oppose the *ex parte* disclosures set forth in the OTSC or in Judge Polster's order and are preparing such disclosures for the Court's *in camera* review.

Dated: October 11, 2019

Respectfully Submitted,



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¹ Judge Polster's order required counsel to submit to the Court *ex parte* for *in camera* review "(A) a letter identifying and briefly describing the 3PCL financing; and (B) two sworn affirmations – one from counsel and one from the lender – that the 3PCL financing does not: (1) create any conflict of interest for counsel, (2) undermine counsel's obligation of vigorous advocacy, (3) affect counsel's independent professional judgment, (4) give to the lender any control over litigation strategy or settlement decisions, or (5) affect party control of settlement," and stated that "[a]bsent extraordinary circumstances, the Court will not allow discovery into 3PCL financing." Id.

CERTIFICATE OF SERVICE

I, Dmitry Joffe, hereby certify that on this 11th day of October 2019, I caused a copy of Plaintiffs' Response to the Court's Order to Show Cause to be served by ECF upon Defendants' counsel of record.



Dmitry Joffe
JOFFE LAW P.C.
Counsel to Plaintiffs